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SPEECH OF MR. GIDDINGS,

OF OHIO,

On the Trial of Preston S. Brooks, for an Assault
on Senator Sumner.

BEFORE THE HOUSE OF REPRESENTATIVES, JULY 11, 1856.

Mr. SPEAKER: I feel oppressed with the responsibility under which we are acting. Constituting this high judicatory of the nation, we are sitting in judgment upon a fellow-member. The eyes of the people are upon us, and the attention of civilized nations is directed toward us. We are about to discharge the highest, the most solemn duty, to our Government, to the cause of Freedom and of Human Progress, which will probably ever devolve upon us. On every hand, we are admonished to divest ourselves of every feeling of partisan attachment; and, bringing with us all the intelligence, prudence, patriotism, and justice, we can command, we should approach the question in the light of that wisdom which shall guide us to a just and proper conclusion.

The accused is a member of our body. Our sympathies for him, at this most trying period, cannot and ought not to be withheld. Gentlemen have spoken of personal feelings. If I were conscious of harboring unkind feelings toward any human being, I should myself feel most unhappy. That man is morally disqualified to discharge the duties of a statesman, who can look upon any person in distress with other emotions than those which elevate and ennoble our common nature.

I speak with more than ordinary feelings. Fifteen years since, I was myself arraigned before my peers of this House. I then stood where the accused now stands, but under a different charge, and under different circumstances. I was denied the freedom of speech—not permitted to defend myself—nor was any friend permitted to utter a word in my behalf. I was condemned and driven from my seat under an inexorable tyranny, which, thank God, is unknown at the present time. I tender to the accused the kindest sympathies of my heart. Sooner should my own right arm be torn from its socket, than I would see him treated as I was dealt with. I would deal out to him the same measure of justice that I would to a son or brother. Indeed, he is my brother; for I recognise God as our common father, and man-

kind as my brethren. His happiness is as dear to my heart as that of any other individual outside the circle of personal friends.

While these are my feelings toward the accused, I recognise, also, the stern obligations which I owe to the Constitution of my country, to the People of these States, to Christianity, and to Civilization.

Representing thirty-one sovereign States—convened, under our Federal Constitution, for the performance of legislative duties—we look to that instrument, which delegates to us our only powers, for our rule of action. That charter of our Liberties provides, that “the Senate shall be composed of two members from each State.” In the labors of that body, each of the several States—the people of all the States—have an interest. And to secure this service to the States, and to the people of the whole Republic, they proceeded to ordain, further, *that, during the session of Congress, and in going to and returning from the same, such Senators shall be privileged from arrest, except for treason, felony, or breach of the peace; and for any speech or debate in that body, shall not be questioned in any other place.* I repeat, that this was intended to secure to the nation the services of each and every Senator, by extending to the individuals elected this immunity from arrest—this personal security.

This same charter, under which we are now acting, provides that each House may punish its members for disorderly behaviour, and by a vote of two thirds may expel a member; and that the freedom of speech shall never be abridged.

Under this “Constitution,” Massachusetts, in her sovereign capacity, some five years since, elected a Senator, and charged him with the maintenance of her interests, the support of her dignity, and the protection of her rights. He took his seat in that body with these special duties resting upon him; but under equal obligations to exert his best efforts for the honor of our Government, for the welfare of all the people of this growing Empire, for the eleva-

tion of mankind to a higher intelligence, civilization, and refinement, than that which we now enjoy. His duties had been performed to the acceptance of his State, and to the satisfaction of the nation generally.

At the commencement of the present session of Congress, a matter of intense interest touching the civil war which now rages in Kansas, occupied the public mind, and continued to receive the attention of the Senate during most of its sittings for the last seven months. In relation to this subject the Senator from Massachusetts, acting in accordance with his judgment, and the popular feeling of his State, was known to stand on the side of Liberty. A Senator from South Carolina, acting upon the dictates of his own feelings and those of his State, was known to have espoused the cause of Slavery.

I have taken some pains to ascertain facts as far as I could, and am assured, by one competent to make the examination, that the Senator from South Carolina spoke on this subject thirty-six times during the present session. This includes his regular and irregular speeches, interruptions, and audible assertions. In each and in every instance, I am told, he threw out ideas intended to operate against Freedom in Kansas.

On the 19th and 20th May, the Senator from Massachusetts spoke upon the same subject. As he was bound by that respect which he owed to his State, to the people of the several States, and to his own reputation, he came to the contest prepared—his thoughts arranged, and his argument elaborated. I am not about to speak of the merits of his effort—on that point his address speaks for itself—but I intend to say that, so far as he alludes to South Carolina, or the Senator from that State, it is merely an answer, full and ample to be sure, yet, nevertheless, in answer to the thirty-six speeches of the Senator from South Carolina. I refer to these facts, at this time, for the reason that gentlemen have attempted to justify the accused by reason of the severity of language used by the Senator from Massachusetts. But I think that every word uttered by the Senator from Massachusetts, in reference to the Senator from South Carolina, or his State, was called for, and strictly in response to the remarks of that Senator. Another important fact which I would call attention to is, that, during the delivery of that speech, a Senator from South Carolina was present, and listened to it in profound silence, not even intimating that a word, sentence, or paragraph, transcended the rules of the body, the parliamentary law, or the proper amenities of debate. It was the imperative duty of the presiding officer of that body to call him to order, if in any respect he violated the rules of debate. Indeed, it was the duty of every member of that body to preserve its dignity, and the proper decorum which is enjoined on every member by the parliamentary law.

But, sir, neither the presiding officer, nor the Senator from South Carolina who was present,

nor any member of that body, dreamed that the Senator from Massachusetts uttered a sentence or paragraph not strictly authorized by the rules of that body. Nor was the Senator from Massachusetts supposed to transcend the rules of debate, through the forbearance or inattention of gentlemen opposed to him in politics. I listened to the whole of that speech. I sat near the Senator who delivered it, nor was I an uninterested spectator. And to show that he was watched with a close scrutiny, I will relate an incident. In one part of the hall, gentlemen conversed so loudly as to disturb the Senator who was speaking. He stopped, and, turning to the Sergeant-at-arms, mildly requested him to preserve order. But scarcely had the words escaped his lips, before a slaveholding member called him to order for asking the Sergeant-at-arms, instead of the presiding officer, to keep order. The President of the Senate decided him out of order, and the Senator apologized, saying he "supposed the President had not noticed the disorder." The President assured him he had not, and the Senator proceeded with his remarks. Why, sir, three-fourths of the Senate were opposed, politically, to the Senator from Massachusetts. They had the power to compel him to observe order, at any moment, and to silence him if he erred in this respect, and it was their duty to do it. To assert that they permitted him to utter language not authorized by the rules of the Senate, is to stultify every member of that body.

It was under these circumstances that the accused, a member of this House, imagined that his State and her absent Senator had been improperly and unjustifiably assailed by the Senator from Massachusetts; and, by a code of morals unknown to the more enlightened civilization of the free States, he sat in judgment upon the case, and determined the Senator's guilt. He pronounced the parliamentary law, the rules of the Senate, the laws of the land, and that higher tribunal of our country—public opinion—defective and impotent in the administration of justice; and, assuming the right to avenge his supposed wrongs, he entered that inner sanctuary of the people, and, while the Senator was engaged at his table, struck him down with a bludgeon, and in a barbarous manner continued to beat his prostrate and apparently lifeless form, until gentlemen came from distant parts of the hall, and forcibly took him from his victim. Of these facts there is neither denial nor doubt. The record of the testimony and avowals of the accused have placed them beyond controversy, and it is no purpose of mine to aggravate or extenuate them.

The natural result has followed the commission of this offence. The State of Massachusetts has been thus far deprived of the services of her Senator. The people of our nation have lost the benefit of his labors. The cause of Human Progress, of Civilization, of Christianity, have lost the efforts of an able advocate.

We are not trying a case of assault and bat-

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 tery, as some gentlemen have represented. The crime which we are investigating was committed against the most vital principles of the Constitution, against the Government itself, against the sovereignty of Massachusetts, against the people of the United States, against Christianity and Civilization. For these great crimes, the accused is now arraigned before the Representatives of the people.

There are considerations which cannot be separated from this case. The Senator from Massachusetts was not the mere representative of a State, or party, or section. He labored for the elevation of our Government and of mankind. His efforts were not limited to the East or the West, to the North or the South. In him and in his labors, the slaveholder, the abolitionist, and the slave, were equally interested; and the blow which struck him to the earth, throbbed in the temples of twenty-five millions of people. He had travelled extensively in Europe, had made the acquaintance of her leading statesmen and philanthropists. In Great Britain and on the continent, he was known as an able and devoted friend of humanity; and when they learned that he had entered the Senate, they were strengthened in their belief that this grand experiment, which is now testing the ability of man to govern himself, would succeed. But when they read of this outrage, they felt the wound which had been inflicted upon the cause of truth, justice, and free institutions. Sir, the great and the good in other lands deeply sympathize with the friends of Freedom in our own country. Their confidence in the success of that high and pure philanthropy, of which the Senator from Massachusetts was a devoted advocate, was impaired by this assault upon him. Wherever Christianity has friends, good men will lament, bitterly lament, this sad outrage.

Borne down by the weight of these considerations, we turn to the particular friends of the accused; we call on them for some excuse, or justification, or mitigating circumstance, attending this violent assault upon our free institutions. They reply, that this is an ordinary case of assault and battery, punishable only by municipal laws. After the very clear distinction shown by my colleague [Mr. BINGHAM] between the assault and battery which was an offence against the peace of the community, punishable in municipal courts, under municipal law, and this great crime against the Constitution, against the sovereignty of Massachusetts, and against the people of all the States, cognizable only in this high judicatory, this argument on behalf of the accused does injustice to the moral and legal acumen of those who make it. The municipal court had no jurisdiction of this outrage upon the Constitution, nor have we jurisdiction of the offence against the municipal laws. We cannot fine the accused, nor could that court expel him from this body. But I will not argue this objection further, as it has been already fully answered by other gentlemen.

Gentlemen plead to the jurisdiction of this

body. They first deny that the authority of the Constitution to punish for disorderly conduct, and, by a vote of two-thirds, to expel a member, extends to offences committed outside these walls. The long array of cases cited by my eloquent colleague, [Mr. BINGHAM,] and by the able chairman of the Committee on Foreign Affairs, [Mr. PENNINGTON,] and by the astute gentleman who presides over the Committee of the Judiciary, [Mr. SIMMONS,] would seem to have placed this point beyond controversy. But, without referring to those authorities or precedents, I have no hesitation in saying that every court of justice and every legislative body is clothed with the inherent right, with the moral duty, and that the political necessity rests upon it, to protect itself. Without the exercise of this right and power, no legislative body can exist.

Gentlemen next meet us with the argument that this body cannot punish its members for contempt, or for offences, or disorderly conduct, unless we shall have defined the crime, and prescribed the penalty by existing rules or statute.

This point has been often urged, perhaps I may say it has been brought forward in almost every case since the time of Jefferson, but never successfully. It has also been fully met by the gentlemen referred to. They have placed it in such a clear and distinct light, that it would appear very little remains to be said upon it. I would, however, add, that we are here as the Representatives of the people, for the purpose of legislating, clothed with the necessary powers to discharge that duty. We are at all times equally supreme. We may make a law to-day, and repeal it to-morrow. We may establish rules to-day, and repudiate them at our next sitting. Our only law is that great fundamental law, the Constitution; and the only court in which our errors can be reviewed or corrected, is the enlightened tribunal of popular opinion, where retributive justice is dealt out to us, and to those whom we judge. We should bear in mind that we are not sitting as a *nisi prius* court, holding our sessions under and by virtue of statute laws, and acting in conformity to the dictates and decisions of some more dignified tribunal.

Yet this argument against the exercise of any and of all discretion by this body, is urged with great ability by gentlemen from the Southern section of our Union. Gentlemen from the slaveholding States are distinguished usually for what they term a "strict construction of the Constitution;" and, on the present occasion, this doctrine has been urged, and its application insisted on, by every gentleman from our slaveholding States. I have reason to know that they have not at all times been tenacious of either the doctrine, or its application. Statesmen should have memories!

Fifteen years since, I witnessed a different scene in this Hall. The Hon. John Quincy Adams, at that time a Representative from Massachusetts, was placed on trial. The diffi-

culty at that time, as well as on the present occasion, originated in the conflict between Freedom and Slavery. Some of the people of Massachusetts, feeling burdened with the expenses which the support of that institution had brought upon our Government, sent to this body a respectful petition, praying Congress to take measures for a peaceful dissolution of the Union. This petition was transmitted to Mr. Adams for presentation. In the true spirit of our institutions, he felt that the people, constituting the sovereign power of the nation, were to be treated respectfully, and their petitions answered in candor. He moved the reference of the petition to a select committee, with instructions to report to the House, and through this body to the petitioners and the country, the reasons why such petition could not be granted.

But, sir, he had not given full utterance to these words, before at least a score of Southern members were upon their feet, each demanding an opportunity to speak. In a few moments, a gentleman from Virginia [Mr. Gilmer] presented a resolution, declaring "that the member from Massachusetts, by presenting to this House a petition for a dissolution of the Union, had justly incurred the severe censure of this body." Mark the fact, that this resolution came from Virginia, that land of abstractions and of strict construction. It was brought forward by one of her most cherished sons. It was aimed at the distinguished member from Massachusetts. No Southern man appeared to doubt, and surely none denied, the jurisdiction, or the power of the House to censure Mr. Adams for this discharge of his constitutional duty.

That night, a caucus of Southern members was held to, concert measures by which to insure the adoption of the resolution. Of course, I now speak from the information derived from the one who attended, and from contemporaneous history, for I was not with them, either in body or in spirit. At that consultation, the burden of supporting the Constitution was transferred from Mr. Gilmer, who was a Democrat, to Mr. Marshall, of Kentucky, who was a Whig; both of whom were Southern men; yet I never learned, nor did I hear it intimated, that any member in that caucus of Southern men doubted the full power of this body to punish Mr. Adams for performing *his duty*. The friends of Mr. Adams often inquired wherein that gentleman had offended. Why, sir, he had offended the Slave Power; and the representatives of the of the Slave Interest felt that they had an excuse, a fact on which they could found an effort to strike down his influence, to destroy his far fame, to deprive Freedom of its sternest advocate. They sought for no rules or law defining the offence, or declaring the penalty attached to it; but they assailed him in every way which hatred could invent, or malice express. He was charged with treason to our Government, with moral perjury, and with almost every crime found in the catalogue of offences. There he

sat, in the seat now occupied by his successor—a man venerable for his age, for his great learning, for his exalted patriotism; venerable for his services to his country; around his brow clustered all the honors which a faithful, upright, and wise administration of the highest office known to mortals could confer. Yet, sir, for thirteen days he was subjected to these assaults. During that time, the waves of slaveholding invective, detraction, and calumny, rolled and dashed around him, in wild confusion, until the raging elements had spent their force; while, from the first introduction of the resolution to its final disposition, not one word was uttered by a Southern Democrat, indicating the want of full and constitutional powers to act on the subject, *without any rule or law prescribing the penalty*. Then, sir, *Massachusetts* was on trial, and *slaveholders* were the prosecutors. Now, sir, a son of *South Carolina* is on trial for a wrong—a crime perpetrated against the sovereign right of Massachusetts. This change of position, by slaveholders, is very remarkable. There are yet lingering in this Hall two or three Southern members who then voted in favor of censuring Mr. Adams. I am curious to see how they will vote on the present occasion. I wish they were present at this time. I desire to address some thoughts to their consideration, particularly.

I ask this House and the historian to notice the different spirit in which this trial is prosecuted, from that manifested on the trial of Mr. Adams. Since the attention of the House was first called to the resolution before us, to this hour, we have not heard an unkind word uttered against the accused. Every speaker has manifested a sympathy in his behalf. We regard him as unfortunate in his education, his prejudices, and views of society and of human government; and I do not hesitate to say, that not a member from the free States feels the least impulse of ill-will toward him, or of personal revenge. We are borne along to our conclusions by the irresistible force of public duty. This is but the reflection of that popular sentiment which prevails in the free States. It is founded upon the great doctrine so ably advocated by the Senator whose injury we deplore—that doctrine which teaches us the fatherhood of God and the brotherhood of man—that doctrine which purifies the human heart from its viler passions of revenge, hatred, and malice, and leads us to do unto others as we would have them do unto us. So different are these manifestations from those which characterized the trial of Mr. Adams, that I commend the marked distinction to the House and the country.

Another case, which illustrates this change in the position of Southern gentlemen, ought not to pass unnoticed, although I feel embarrassed in calling it to the attention of the House, inasmuch as I was myself the victim. It is not, however, entirely unknown to gentlemen, that while my venerable and ever-lamented friend, Mr. Adams, was laboring to regain the

right of petition, I was myself toiling, in a more humble sphere, to regain the freedom of speech, which had been stricken down in this Hall.

For years I had sat in this body, hearing myself and my people and all lovers of Liberty, contemned, vilified, and slandered, for entertaining the views which Jefferson and Washington and Franklin and Hancock, and the whole Continental Congress, had proclaimed as the foundation of our Republic; yet our lips were hermetically sealed by "gag rules," as they were then called. The Slave Power ruled supreme in Congress, and no word was allowed to be spoken derogatory to that institution.

At that time, a slave-ship, from Richmond, was taken possession of by her cargo of human beings, guided to Nassau, where they landed on British soil, resuming their God-given rights. The President directed our Minister at London to demand compensation for the bones and muscles, the blood and sinews, of these people. The Senate freely discussed the subject, and threatened war—bloody and exterminating war—unless England should hand over a full compensation to those traffickers in human flesh. But here, sir, in this body, we could say nothing. We were constrained to look on in silence! The constitutional guaranty that "the freedom of speech should never be abridged," was then repudiated and scorned. I had sworn to support the Constitution, but my voice was hushed by those rules, which are now remembered as a disgrace to this body. I was shocked at the indications of a war, with a powerful nation, to sustain a coastwise commerce in human beings.

In order to enter my protest against such a disgrace to our nation, and the age in which we live, I drew up a series of resolutions, to the effect that Congress possessed no rightful authority under the Constitution to involve the people of the free States in a war, and compel our Northern freemen to die on the battle-field, *for the support of that infamous traffic.* These resolutions were regularly presented for the consideration of this body. But scarcely had they been read at the Clerk's table, when a slaveholder rose and introduced a resolution of censure against me, for thus discharging a duty which I owed to my people and to the Constitution. He, too, was from Virginia—from that State which, in such strong and eloquent language, has this day declared that we have no authority to punish or censure a member for any act which is not declared penal by some *prescribed rule or law.* True, sir, as Ohio was then being called, the member from Virginia could not bring his resolution regularly before the House; and when the Speaker had thus declared, the author passed it over to a *doughfaced colleague* of mine, who presented it, and demanded the previous question.

Gentlemen from the slave States did not wait to inquire for the *prescribed rule or statute* declaring the penalty attached to the crime of presenting resolutions. So far from that, they voted at once to seal my own lips and those of

my friends, and, without permitting me or any friend of free speech to say a word in my defence, the resolution was adopted by a vote of *one hundred and twenty-three to sixty-nine.* I was condemned, unheard, and driven from my seat. Sir, I spurned the tyranny, and appealed to the people. They hurled contempt at the efforts of the Slave Power to strike down the freedom of speech, to extinguish the lamp of Liberty which was then flickering in its socket, casting but a dim light upon the legislation of Congress. They ordered me back to my post, and directed me to maintain the freedom of debate; AND AS THE LORD LIVETH, AND AS MY SOUL LIVETH, I WILL NEVER SURRENDER IT.

But, sir, gentlemen from Virginia, nor from other slave States, hesitated to seal my lips and condemn me, unheard. Although no rule nor law had declared the presentation of resolutions penal, in the whole of the slave States but two gentlemen voted against the resolution; these were Governor Pope and Hon. J. R. Underwood, of Kentucky. I mention their names with great pleasure, for they manifested an honest independence which commends them to my favorable recollection. I refer to these cases to show that Southern members then held a totally different doctrine from that which they now urge with such earnestness. Can they suppose this body will now change its rule of action, and face to the right about, to suit the latitude of the accused? I trust not. I shall not, therefore, hesitate to follow the practice adopted by the Senate, and by this body, from the adoption of the Constitution. Indeed, the gentleman from New York [Mr. SIMMONS] has shown it to have been adopted under the old Confederation, as early as 1786.

Having disposed of that point, I proceed to notice an intimation thrown out, as I suppose, to cast an imputation upon the Senator from Massachusetts and his friends, rather than as a defence of the accused. The intimation has been iterated and reiterated by partisan presses, and has been repeated in this debate, that the Senator was not seriously injured by the beating which constitutes the crime for which the accused is now on trial; that he might have long since resumed his seat in the Senate, but has been deterred by a desire to represent his injury as more aggravated than it really is.

I deeply regret this mean attempt to add insult to injury! I wish I had been spared the duty of referring to facts which I feel constrained to state. I visited that worthy Senator on Tuesday, after he received the injury. He was sitting in his chair when I reached his chamber. His countenance appeared natural, and his conversation was cheerful. He had no fever, or very little, if any. He insisted that he would resume his seat in a few days, and manifested more anxiety to return to the Senate, and attend to his duties there, than for anything else. I left him with the impression that he would return to the Senate in two or three days, notwithstanding I had been assured

that there would be more or less inflammation of the wounded parts before the healing process would commence.

I again visited him last Saturday; but that countenance, heretofore cheerful, and beaming with intelligence, had become pale and haggard. He appeared unable to sit up any considerable time. He told me that he felt so well, the night after I left him on my former visit, that he retained no servant or friend to remain in the room with him. That, during the night, he was seized with severe pain through the head, attended with high fever. The pain became so acute, that it appeared to him he could live but a short time without relief. That the Doctor, being called, opened the wounds, gave him an opiate, and in the course of the next day he obtained some sleep, and the pain partially subsided. That, soon as he could get from the city, he went to the country. That he found himself unable to take much exercise of either body or mind. Lying upon his bed, he described to me the singular sensations which occasionally gave him reason to apprehend that the brain was affected, and looking me full in the face, with great solemnity of countenance and deep emotions, he said, "I sometimes am led to apprehend that I may yet be doomed to that heaviest of all afflictions, to spend my time on earth in a living sepulchre." The expression, the manner, and the tone of voice with which this was uttered, filled my heart with sadness. I pity the man whose feelings prompt him to impute to that gentleman a disposition to represent his injury greater than it really is.

It has also been said, and repeated, during this debate, that the Republican party are endeavoring to manufacture political capital out of this affair. To effect that object, it will be necessary for them to do *right*. We have reached that period in our history when no party or political association of men can commend themselves to the people, except by their *intelligence and virtue*. To gain popular favor, we must do *right*—we must imitate that Divine Being, one of whose attributes is *JUSTICE*. That duty I hope every Republican and every Democrat may perform, not merely on this, but on all occasions. The Republicans can make no capital out of this matter, unless Democrats do *wrong*? I would therefore advise each individual to act his own judgment, without reference to any party. Let him act in such manner as to insure the approbation of his own conscience. True, we constitute a high tribunal for the trial of a fellow member; but above us is one more just, more dignified, more powerful—the tribunal of the people—who will not only judge the case before us, and correct any errors we may commit, but they will also judge each of us, and determine whether we do our duty in regard to it, and will award both to the accused and to ourselves the just merit or the appropriate penalty which he and we deserve. But if Republicans do *right*, and the Democrats *wrong*, the people will reward one, and condemn the other.

And now, having disposed of these matters, I approach the principal point insisted on by the friends of the accused. They insist that the speech of the Senator from Massachusetts contains such gross attacks on South Carolina, and on one of her Senators, as to justify the deadly assault made on him.

I stated, at the commencement of my remarks, that the speech was in strict compliance with the parliamentary law; that, during its delivery, neither the President of the Senate, nor the member of that body from South Carolina then present, nor any other Senator, had called him to order for anything said in his speech, although they were authorized to do so. Again, no member who has yet spoken has attempted to point out a word, a sentence, or paragraph, in that speech, which, in the opinion of any man, transcends the strictest rules of debate. There is no such word, sentence, or paragraph, in the speech.

Now, sir, if there be any one principle which I regard as clear and indisputable, it is, that the "freedom of debate," which the Constitution says "shall not be abridged," has no limitation inside the rules of debate established by the Senate and by parliamentary law; and to say that a speaker, while he keeps within parliamentary rules, is also subject to the censorship of individuals who may feel aggrieved at his remarks, would be so obviously absurd that no argument could render its erroneous character more apparent. Were such a doctrine to prevail, we should be constrained, not merely to surrender the right of free speech, but with that surrender we must resign all hopes of a free Government.

But I will not stop at this point. I say, with publicists and statesmen and jurists, that no words, whatever may be their character, can justify an assault, even under municipal law. On this point, so plain to the comprehension of every mind, I will not quote authorities, nor will I read decisions of courts or of legislative bodies. If such quotations were necessary, that duty has been fully and well performed by other gentlemen.

This doctrine of the right to avenge one's own wrongs strikes at the existence of all government. If a man slander another, the law is open, and he should be made to respond in damages. But if the offended party be allowed to judge in his own case, and avenge his own grievance, society must at once resolve itself into its original elements, and might become the only arbiter between individuals. The weak will be subdued, and the selfishness of mankind will become their only rule of action. It has therefore been found necessary to establish such laws as will secure the weak and helpless in the enjoyment of their rights, and restrain the strong and powerful from encroaching upon the rights of others.

These principles, however, have very little to do with the case before us. They may have been agitated with propriety upon the trial of the accused before the municipal court. He

was then on trial for his offence against the peace of the community, against the personal security of individuals, against municipal law. That case has been fully tried and determined. With it we have nothing to do. But here, in this high judicatory of the People, the sovereign State of Massachusetts charges a member of our body with a violation of our Federal Constitution. She declares that the accused has deprived her of the services of one of her Senators in the high councils of the nation—a crime of which the municipal court could not take jurisdiction—that he has, in fact, abridged the freedom of speech, by depriving her Senator of the power of speaking. That for debate in the Senate her representative has been questioned, and by physical violence held responsible in another place. The People of these thirty-one sovereign States are also complainants. They allege that they have been deprived of the benefits which would have resulted from the public labors of the disabled Senator. They charge the accused with having profaned the Temple of Liberty, with violating the sanctity of her inner court, and with a barbarous hand striking down a minister, as he was serving at the altar of Freedom. The good and the great of all lands present their complaints, declaring that the cause of justice has been deeply wounded by the accused having stricken down one of its most able advocates, thereby retarding the great work of civilization and Christianity.

To this arraignment to these charges I have heard no response, in mitigation or excuse, either from the accused, or from any friend who has attempted to advocate his cause. On these charges they stand mute. They have advanced no plea, no answer, no argument, responsive to them. On the contrary, the facts stand confessed; the crime is one of great moral and political turpitude. And it now remains only to consider the penalty which ought to be awarded. We seek to inflict no corporal punishment, nor to take from the accused his pecuniary means, nor to wound his feelings, nor to tarnish his honor. We are actuated by no such desire. Our present wish, our only purpose, is to vindicate the Constitution, the rights of the States, and of the People; to lustrate our Government and our institutions from the stigma brought upon them by this great, this lamentable outrage.

This can only be done by excluding the perpetrator from our body. The moral sensibilities of the nation have been shocked, and it is our duty to expel the member. That is recommended by the committee. They have reported a resolution expelling him from this House. I shall feel constrained to vote for it. I would have preferred a resolution not merely expelling him, but adding to that expulsion a clause declaring him incapacitated to hold a seat in the present Congress. I think that would more perfectly comport with the feelings and the expectations of the People. I shall, however, offer no amendment, but content myself with

voting to confirm the action of the committee.

Mr. Speaker, I feel humiliated, as a member of this American Congress, when I read the comments which have appeared in the European press upon this subject, and learn the pain and mortification to which it has subjected the advocates of Liberty and free government in England and on the continent. Let those friends and presses in foreign lands know that the advocates of human progress in these United States feel deeply the reproach which this transaction has brought upon the Government instituted by Washington and his compatriots; yet it does not discourage them, nor does it impair their confidence in this greatest of all political experiments, to test the capability of man to govern himself. Grave as the outrage must be regarded, it is but an incident in our political history, which, if properly regarded and condemned by the people, will not be likely to occur again.

It has resulted from the manners, customs, and habits, of our slaveholding population. Human bondage had its origin in violence, and is sustained by force. Persons bred up in slaveholding communities become accustomed to see the rights of personal security violated; God's image is daily assailed, disfigured, and mutilated, before their eyes. The slave is scourged, beaten, and sometimes murdered, in their presence. These things beget a disregard for this body, this habitation of the human soul. Hence the frequent scenes of violence, the fist-cuffs, street fights, shootings, assassinations, and murders, among our slaveholding population.

If a man speaks disrespectfully of another, the injured party seeks his revenge in violence. If a man insult another, the injured party feels at liberty to shoot him. With them, the remedy for personal injury appears to be the infliction of bodily pain, or suffering, or death, upon the offending party.

Mr. Jefferson, speaking on this subject, declared, "*there must doubtless be an unhappy influence on the manners of our people produced by the existence of Slavery among us. The whole commerce (says he) between master and slave is an exercise of the most boisterous passions, the most unremitting despotism.*"

Not so with the free population of our Northern States. There a higher degree of civilization exists. If a man treats another disrespectfully, the matter is referred, by common consent, to the judgment of their peers, the people around them. They censure or condemn, as justice requires. The penalty affects the moral, the social, and political position of the offender. From these penalties he cannot escape.

If a man utters language offensive to another, either in a bar-room or drawing-room, in the pulpit or at the bar, or in the legislative halls, he is held to answer for such violation of propriety before the tribunal of popular opinion. That opinion is always intelligent, impartial, and just. We place an unlimited confidence in its wisdom, and its judgments are always satisfactory. Nor does this system in-

terfere with judicial proceedings. It is above the decisions of municipal courts. They are bound down by statute laws, and trammelled by rules of evidence; but no matter what their judgments may be, the popular mind will award the appropriate penalty to all offenders against social, moral, and political propriety. Hence, affrays, street fights, shootings, and violence, are unknown among our people. I have resided more than half a century in my Congressional district; I have during that time literally mingled with the people; but I never saw a man strike another, in either of the counties which I represent. Such is the case in all communities of sufficient intelligence and refinement to practice self government.

This contrast which I have drawn between the manners and customs of the free and slave States was never more marked than it has been in this debate. Every Southern member who has expressed an opinion on the question has declared the severity of the language used by the Senator from Massachusetts good cause for the assault made upon him; while every member from the free States who has spoken has expressed his decided opinion that it could afford no cause, excuse, or justification, for such an act. As I have stated, Mr. Butler spoke on the subject of Kansas thirty-six times during the present session; the people judged of the merits of his several speeches. The speech of the Senator from Massachusetts was published, and the people will do justice to that also; and no act of the accused can affect the opinion of the country in regard to its merits. He, however, took upon himself the responsibility of avenging what he regarded a grievance, and popular opinion will also pass judgment on his act, and those who come after us will do justice to all concerned.

While my venerable associate from Massachusetts [Mr. Adams] was on trial for performing a plain constitutional duty, he was assailed with the bitterest invective by slaveholders. The member now on trial from South Carolina has heard from the Representatives of our free States no word of personal unkindness. Never was the contrast between our free institutions of the North and the Slavery of the South more distinctly marked, nor their effect on society more visible. Violence, brute force, appeal to weapons, and bloodshed, mark the pathway of one, while reflection, reason, justice, and the Gospel of Peace, control the other.

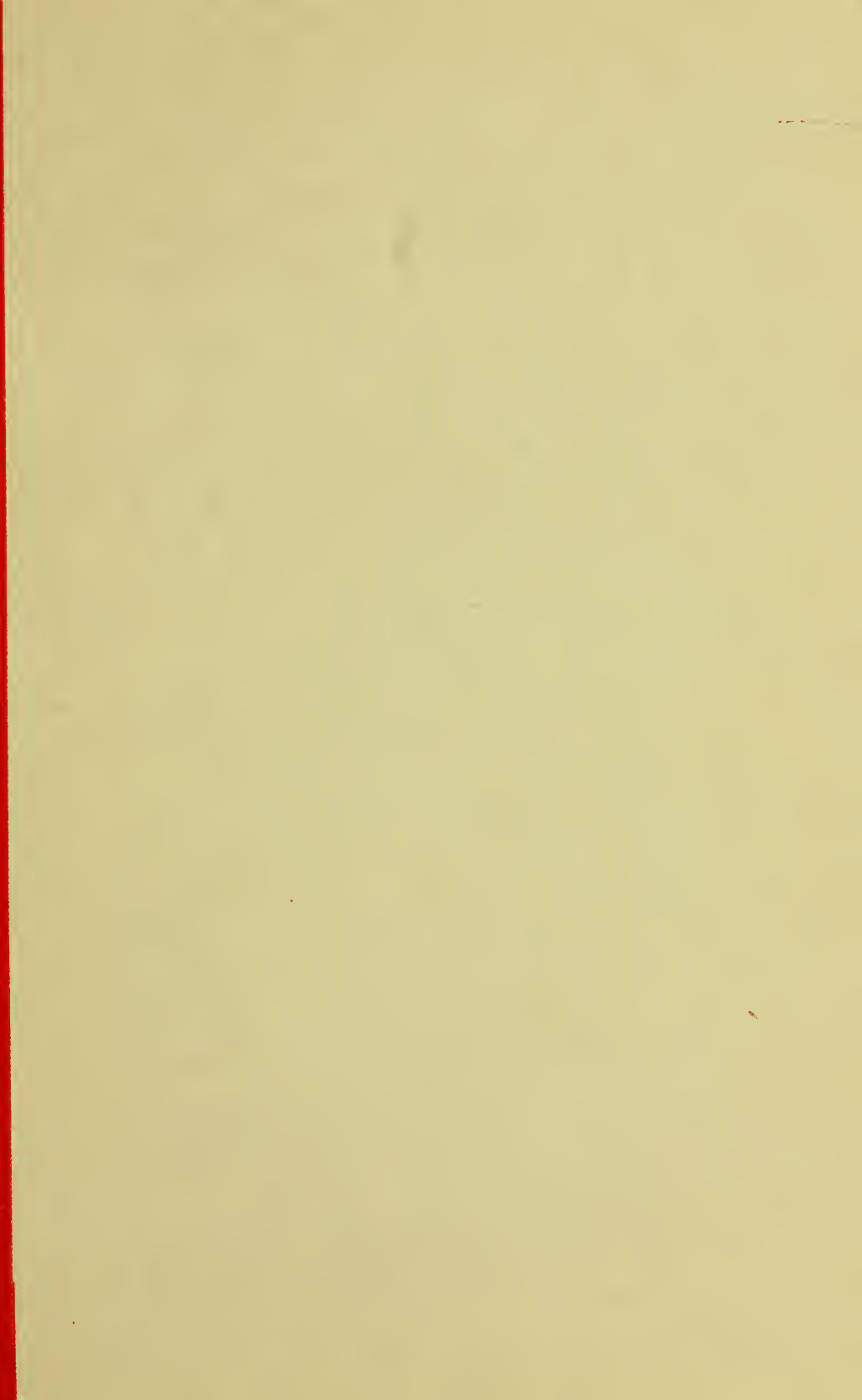
Mr. Speaker, this case has arisen from efforts to abridge the freedom of debate. The blows which fell upon the head of the Senator from Massachusetts were aimed at the freedom of speech. That Senator had, in his place, discharged the duty which he owed to himself, to his State, and to mankind. I feel that every word was true and just; and such are the feelings of nine tenths of the population of the free North. But, for this discharge of duty, he was barbarously stricken down in his place. I had supposed the freedom of speech in Congress to have been regained. Our "gag rules," as they

were called, have been repudiated and stricken from our Manual, and for years we have spoken as freely in this body as we have in our popular assemblies. But now the contest has been suddenly renewed, and its renewal has been literally marked with blood; and how long it will continue, is unknown.

Sir, this renewed attempt to restrain free speech has awaked in my breast sad and painful recollections. It was my fortune to be one of the earliest victims of that illiberal and proscriptive spirit. For years I sat in this body with my lips sealed. We were not permitted to speak of Slavery in any other than the most respectful terms. No member was allowed to utter the doctrines of Jefferson or Franklin, of Hancock or Adams. To regain the freedom of speech, I labored long and assiduously. I passed through many scenes of excitement and interest. I have been assaulted with the fist. I have seen the bludgeon flourished over me while speaking. In this Hall, I have seen the bowie-knife menacingly drawn upon me, within striking distance of my person; and have heard the click of the pistol, as it was cocked, apparently for my assassination. I do not think, however, that I was in danger; for persons who thus play the bully are generally suspected not to be very *dangerous*. Those scenes now constitute reminiscences, in no respect honorable to the habits and manners of those who justify them. They occurred, too, at times when the advocates of Freedom were socially *ostracised* in this city, and regarded with disfavor by all officers of Government.

Against this social and official tyranny I contended feebly, but steadily. The influence of popular opinion was at length brought to bear upon Congress, and our cause appeared to progress in a manner most encouraging to the advocates of Liberty. This progress of Freedom appears to have aroused a spirit of corresponding hostility, and we now find ourselves involved in this question of transcendent importance. It is a marked incident in that great contest which has long been waged between the Slave Power and the spirit of Freedom. In that conflict, I have mingled until my head has become white with the frosts of age, and my body begins to bend with the weight of years—until the silver cord is becoming loosed, and the wheel moves slowly at the cistern, and the golden bowl is being broken at the fountain.

Fellow-members! to you, to the younger and abler statesmen of our land, I must consign this cause in which I have so long labored in a humble sphere, but with a willing, earnest, and devout spirit. I must soon retire; but, while I may linger upon the verge of life, my thoughts will often revert to this Hall, and cluster around those friends with whom I have served; and, be assured, I will then perform the last service which an old man can render to his country: I will pray that Justice may guide its legislation, that Liberty, and Progress, and Prosperity, may mark its pathway in all coming time.



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